

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BRENDAN SODIKOFF,

Plaintiff,

v.

RH, US LLC,

Defendant.

Case No. 1:19-cv-06543

The Honorable Robert M. Dow, Jr.

JOINT MOTION FOR APPROVAL OF SETTLEMENT AND DISMISSAL

Plaintiff Brendan Sodikoff (“Sodikoff”) and Defendant RH, US LLC (“RH”) (collectively, the “Parties”), by and through their respective counsel, jointly move the Court to approve the settlement agreed to by the Parties and submitted to chambers for *in camera* review.

In support of this Motion, the parties state as follows:

1. Sodikoff filed suit against RH asserting claims related to the end of his employment at RH (the “Sodikoff Claims”), including a claim that defendant violated the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 *et seq.* (IWPCA).

2. The Parties have been represented by experienced attorneys who engaged in arms-length negotiations after the exchange of substantive information. After the Parties reviewed and analyzed the relevant information, the Parties agreed to a compromise to avoid the expense, inconvenience, uncertainty, and delay of further litigation. The Parties agree that their settlement represents a fair and reasonable compromise of any and all of Plaintiff’s claims.

3. Some state and federal courts interpreting Illinois law have stated that a release of claims under the Illinois Wage Payment & Collection Act must be approved by a court. *Lewis v. Giordano’s Enterprises*, 397 Ill. App. 3d 581, 597, 921 N.E. 2d 740, 336 Ill. Dec. 884 (3d Dist.

2009) (analogizing the IWPCA to the federal Fair Labor Standards Act (FLSA) and holding that releases of IWPCA claims by class members required court approval); see also *O'Brien v. Encotech Sonstr. Serv.*, 183 F. Supp. 2d 1047, 1049 (N.D. Ill. 2002); *Ladegaard v. Hard Rock Concrete Cutters, Inc.*, Case No. 00 C 5755, 2001 WL 1403007 (N.D. Ill. Nov. 9, 2001) (also stating that releases of IWPCA claims require court approval for enforceability); *Donaldson v. MBR Central Illinois Pizza, LLC*, Case No. 18-cv-3048, 2019 WL 4447969 (C.D. Ill. Sept. 17, 2019) (approving settlement of claims under FLSA, IWPCA, and Illinois Minimum Wage Law); *Bainter v. Akram Investments, LLC*, No. 17 C 7064, 2018 WL 4943884, at *1 (N.D. Ill. Oct. 9, 2018) (approving settlement under FLSA and IWPCA).

4. In order to obtain court approval, the parties generally present the court with the proposed settlement, and the court may enter a stipulated order dismissing the case after a review to insure that it is a fair and reasonable resolution. See *Walton v. United Consumers Club, Inc.*, 786 F.2d 303, 306 (7th Cir. 1986) (approving such a procedure to settle wage claims under the FLSA).

5. The parties have agreed to keep the terms of the settlement agreement confidential. In order to facilitate the court's review of the settlement agreement while maintaining the confidentiality of that agreement, by leave of a separate joint motion to be filed shortly hereafter, the parties propose filing the settlement agreement under seal. The parties would then submit the settlement agreement to chambers for an *in camera* review by the Court.

6. Pursuant to the Court's standing order, a proposed order granting this motion shall be submitted via email.

WHEREFORE, the parties jointly request that the Court approve the Settlement Agreement and dismiss this case with prejudice as set forth in the Proposed Order.

Dated: January 24, 2020

By: /s/ Adam A. Hachikian
One of the Attorneys for Plaintiff

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Joint Motion for Approval of Settlement and Dismissal was filed on January 24, 2020 with the Clerk of the Court using the CM/ECF system, which will effect electronic service on all parties and attorneys registered to receive notifications via the CM/ECF system.

/s/ Adam A. Hachikian
Adam A. Hachikian